

**BOARD OF SELECTMEN**  
**February 10, 2014 Meeting Minutes**

**CALL TO ORDER:** Chairman Phil LoChiatto called the meeting to order at 7:05 PM. Selectmen Ross McLeod, Al Letitio, Kathleen DiFruscia, and Roger Hohenberger were present; as were Town Administrator David Sullivan and Assistant Town Administrator Dana Call. Mr. LoChiatto opened with the Pledge of Allegiance.

Mr. LoChiatto announced a successful Deliberative Session the previous Saturday; noting a bit of debate regarding a Citizen petition but that things had moved right along. Mr. McLeod concurred; adding that anyone with questions regarding the Town warrant should feel free to contact either a Board member or Mr. Sullivan for more information.

**ANNOUNCEMENTS/LIAISON REPORTS:** Mrs. DiFruscia reminded all that Recreation will be hosting an ice skating party on Sunday, at Griffin Park, beginning at 1:30 PM.

Mr. Letizio noted that the Economic Development Committee will be meeting on Friday morning at 7:30 AM at Community Development; and it will be televised.

**CORRESPONDENCE:** Mr. Sullivan noted receipt of a press release from Chief McPherson; extending congratulations to Lt. Tim Dunn, and Firefighters Nault, Dubowik, Kurgan, Doherty, and Robertson for successfully ranking 7<sup>th</sup> overall in fundraising for the American Lung Association's "Fight for Air" stair climb in Boston. The Team raised \$6,665 overall for the ALA, and successfully completed the challenge of climbing 82 flights of stairs while wearing their full turn-out gear and air packs.

**MINUTES:** Mr. Letizio noted a spelling correction to the 01/13/14 minutes (page 6, should be "base" not "based). Mrs. DiFruscia then moved and Mr. McLeod seconded to approve the minutes January 13, 2013 as amended, and the minutes of December 2, 5, 9, and 16, 2013 as written. Passed unanimously.

**PUBLIC HEARING/CONDUIT AGREEMENTS:** Mr. Sullivan read the public hearing notice into the record, as attached; advising that Tax Assessor Rex Norman is the petitioner. Mr. LoChiatto then officially opened the Public Hearing.

Mr. Norman advised that this petition came on the recommendation of those attorneys working on the FairPoint case in efforts to ensure consistency throughout the state. Mr. Norman indicated that, per statute, the Town must assess such taxes; however, the Town has never required a written agreement. He noted that the Board had previously, and similarly, amended the pole license requirements; however, said amendment had not encompassed Tennessee Gas or Pennichuck. He indicated that in order for the Town to tax these entities for use of the right of way, the agreements need to be amended to allow for same; adding that this change will take effect on 2/11/2014 and remain as such indefinitely.

Mr. Sullivan advised that copies of the petition and public hearing notice had been sent to Tennessee Gas and Pennichuck, and no response/concerns had been received from either. Mr. Norman indicated he had also received no response.

Discussion ensued, and Mr. Norman clarified that these utilities are already being taxed, and that this petition simply puts in place a requirement for a written agreement. Further discussion ensued regarding that conduits/utility boxes are subject to those amendments made in response to the previous petition regarding pole licenses, that the language as petitioned is standard in all municipalities, and that approval of this petition serves only to codify current procedures.

Mrs. DiFruscia then moved and Mr. Letizio seconded to approve the amendments as per the petition submitted. Passed unanimously.

**MOSAIC AGREEMENT:** Mr. Norman reminded the Board that this project had been developed by the University of NH and the Department of Revenue Administration relative to a GIS mapping and pooled information; adding that 72 communities are now involved. He went to note, however, that he had just learned that while the program was to have been used only by government agencies, and not for public distribution, the data may have been sold to PSNH. Mr. Norman would thus recommend the Board hold off on executing the agreement until he can gather more information regarding the potential implications; adding that while the data in question is public information, there are some concerns as it was intended to be used internally.

Brief discussion ensued as to how the data would be used, the value of the sales information in surrounding communities (ie commercial properties) to assessors; and the potential downside, if any, to executing the agreement. Mr. Norman indicated he just needed to obtain more information, and that there was a meeting the following morning in Concord regarding this issue.

**WINDHAM ENDOWMENT REQUEST:** Mr. Sullivan advised that the Endowment was requesting to use the Searles facility at no charge to host a jazz brunch on May 18<sup>th</sup> from 11AM to 2 PM in order to raise scholarship funds. He indicated that the Coordinator advises there are no conflicts with this date, and that she supports this request. Mrs. DiFruscia advised that she sits on the Board of Endowment, and recused herself from the discussion.

Mr. Letizio moved and Mr. McLeod seconded to approve the use by the Endowment of the Searles, at no charge, for a jazz brunch on 5/18. Mr. Hohenberger suggested the motion should include a “no bump” clause in case of a paid event.

Mr. Letizio amended his motion and Mr. McLeod his second to include a no bump provision. Motion passed 4-0.

**WARRANT FINALIZATION:** Mr. Sullivan noted that the Warrant had been revised to incorporate those changes made at the Deliberative Session, and advised this would be the Board’s final opportunity to amend their recommendations. Discussion ensued that this is because this is the Board’s last scheduled meeting before the warrant is posted/printed and the ballot vote occurs.

Mr. Sullivan noted that Articles 5, 16, and 28 were amended at the Deliberative Session. Mr. LoChiatto noted that, as it pertained to Article 28, he understood the reasoning behind the amendment but despite the change if the article fails the Town can’t then go back and send results of the vote. Discussion ensued in that an affirmative vote would require the results to be sent, and even if it failed there was nothing to prevent their being sent thus the language change was moot.

Mr. Sullivan then inquired whether the Board wished to change their recommendation on Article 27, from which Mr. LoChiatto had initially recused himself. Discussion ensued, and Mr. LoChiatto clarified that after further consideration he didn’t believe the recusal was necessary, particularly after hearing the deliberative session discussion. It was the consensus of the Board to leave the recommendation as it appears.

Mr. Sullivan inquired about Article 5, the Conservation purchase, which was the only other split vote. No change were made.

Mr. Sullivan indicated that the final warrant will now be posted, as amended, and with the recommendations as they appear.

**FINANCE DIRECTOR:** Mrs. Call briefly reviewed with the Board her year-end reports, noting these were the same as those available in the Annual Reports. There were brief discussions regarding the highway budget, which Mrs. Call advised was seasonally tracked, and that winter materials are pre-purchased. Also discussed was the carry-over of funds for road projects, and whether there was a better way to budget for same (eg. Expendable trust). Mrs. Call reminded the Board usually projects are bid and the funds encumbered by year end so they are not lost, however, this was not the case last year.

**GREENWAY ALTERNATIVES:** Mr. Sullivan noted that, as part of the I-93 project, one of the Town's requests to the State was to create a connector for the "greenway trail" which will eventually tie into the Windham rail trail. He advised that the State has presented two design options for the Board's consideration; both of which have been reviewed by the Highway Safety Committee and the Planning Board. He then reviewed maps of the project areas with the Board, advising the options were as follows:

1. The connector would be run along a current cow path parallel to I-93 southbound then out to North Lowell Road. However, in the future, the Town would have to construct sidewalk or similar for bicyclists/pedestrians to get from North Lowell to the Depot. While this option does not require a tunnel, it is costlier overall and involves a steeper grade.
2. The connector would run along 93 and then tunnel under the highway via a 12'x12' enclosed box culvert exiting near Taylor Farm; closer to the Depot. This option is less costly to the Town, involving only improvements to the existing trail to extend it to the rail trail. Mr. Sullivan advised that both the Planning Board and Highway Safety Committee recommend this option.

Mr. Sullivan advised that option 1 is less costly for the State, however, they are willing to consider option 2 with further study. Mr. McLeod opined that the box culvert represented a far safer option as it pertained to grades/shoulder width issues. He noted this will result in more casual users there, as well.

Mr. Hohenberger noted there are often issues with critters in such culverts if they are not policed/cleaned. Mr. Letizio noted safety concerns, as well, and Mr. Sullivan advised that Highway Safety and the State had been consulted regarding lights in the culvert. He indicated that the State would do the initial installation, and then Town would take ownership of the lighting.

Mr. LoChiato indicated that he understood not wanting pedestrian traffic on North Lowell Road, however, he would be more comfortable with that than with individuals going through 150' of tunnels given the potential for safety issues. Mr. McLeod noted that, either way, users are somewhat removed from populated areas; adding that the other option involves heavy woods/outcroppings and is much more difficult to get assistance to. Discussion ensued regarding a similar culvert in Franconia Notch and Lafayette; both of which are working well.

Mr. Norm Babineau, Highway Safety Committee, approached noting that the Committee had also had concerns regarding the tunnel. He indicated that if it were built it would fall into Federal regulations, which should address lighting and emergency communication concerns. Discussion ensued.

Mr. Letizio indicated he would support the tunnel option provided it had both lighting and emergency communication capability. Discussion ensued in that the Board can recommend this option/requirements but the State would determine the outcome, that the tunnel would be open 24/7 for access, and that this is simply another trail connection.

Mr. Letizio noted that, if lit, the culvert would be a safer option at night than a wooded trail, and discussion ensued again regarding the need for the ability to call out/use cell phones in the tunnel. Also discussed were LED and green lighting, such as solar, to keep future costs down.

Mr. Hohenberger inquired about funding, and Mr. Morris replied that this would be part of the I-93 construction project; funded by Federal monies. Mr. Morris added that the DOT is looking at it now, and he believes they have spoken to the Federal government regarding the constructability of the option in question. Mr. Babineau added that the Town's responsibility would then be to make usable connections to the culvert via gravel base, etc.; which Mr. Morris noted could be funded via Conservation or forestry plan monies.

After further discussion ensued, Mr. Letizio moved and Mr. McLeod seconded that the culvert option for the Greenway be recommended to the Department of Transportation. Passed unanimously.

Mr. McLeod extended kudos to Mr. Morris and Mr. Babineau for their efforts on the Greenway.

**OLD/NEW BUSINESS:** None.

**NON-PUBLIC SESSION:** Mr. Hohenberger motioned and Mrs. DiFruscia seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a. Roll call vote all “yes”. The topic of discussion was personnel. The Board and Mr. Sullivan were in attendance. Roll call vote - all members “yes”.

Mr. Sullivan updated the Board on a pending personnel matter. No decisions were made.

Mr. Letizio moved and Mr. Hohenberger seconded to adjourn. Passed unanimously.

Meeting was adjourned at 8:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

*NOTE: These minutes are prepared in draft form and have not been submitted to the Board for approval.*